

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert E. Richard et al.

Art Unit: 1614

Serial No.: 10/632,054

Examiner: Alicia R. Hughes

Filed: July 31, 2003

Confirmation No.: 9964

Docket No.: 02-465

Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICES CONTAINING  
RADIATION-TREATED POLYMER FOR IMPROVED DELIVERY OF  
THERAPEUTIC AGENT

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Certificate of Electronic Transmission

Under 37 C.F.R. §1.8

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September 18, 2009.

Nancy Joyce Simmons

(Printed Name of Person Sending Correspondence)

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**NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW**

SIR:

Applicant hereby respectfully appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 12, 2009, finally rejecting the pending claims in this application. Applicants hereby petition the Commissioner to grant a one-month extension of time, thus this response is timely filed.

Authorization is hereby provided to charge Deposit Account No. 50-1047 the one-month extension fee under 37 CFR 1.17(a)(1) (\$130) and the Appeal Fee under 37 CFR 41.20(b)(1) (\$540). It is further requested that the Commissioner charge any additional fees that may be required, or credit any overpayments, to Deposit Account 50-1047.

A Pre-Appeal Brief Request For Review is filed herewith.

Respectfully submitted,

/Rosemary M. Miano/

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